

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BENJAMIN CAREATHERS,	:	
individually, and on behalf of all others	:	
similarly situated,	:	1:13-CV-0369 (KPF)
	:	
Plaintiff,	:	
	:	
- against -	:	
	:	
RED BULL NORTH AMERICA, INC.,	:	
a California corporation,	:	
	:	
Defendant.	:	
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DAVID WOLF and MIGUEL	:	
ALMARAZ, individually and on behalf of	:	1:13-cv-08008 (KPF)
others similarly situated,	:	
	:	
Plaintiffs,	:	
v.	:	<u>CLASS ACTION</u>
	:	
RED BULL GMBH, a foreign company;	:	
RED BULL NORTH AMERICA, INC., a	:	
California corporation; and RED BULL	:	
DISTRIBUTION COMPANY, INC., a	:	
Delaware corporation,	:	
	:	
Defendants.	:	
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	X	

**PLAINTIFFS’ NOTICE OF MOTION FOR APPROVAL OF ATTORNEYS’ FEES,
SERVICE FEES, AND REIMBURSEMENT OF EXPENSES**

Named Plaintiffs Benjamin Careathers, David Wolf, and Miguel Almaraz, the Class representatives, hereby give notice of moving the Court for entry of an Order awarding MORELLI ALTERS RATNER LLP and KAPLAN FOX & KILSHEIMER LLP, (“Class

Counsel”), attorneys’ fees and reimbursement of out-of-pocket expenses in the amount of \$4,750,000.00, to be paid by Defendants separate and apart from the money or value in the Settlement Fund allocated to the Class Members. In addition, Plaintiffs respectfully request that the Court grant incentive awards to Plaintiffs Benjamin Careathers, David Wolf, and Miguel Almaraz, the Class representatives, in the amount of \$5,000.00 per representative, in recognition of their valuable service to the Class. The motion shall be called up for hearing on May 1, 2015 at 10:00 am before this Court and the Honorable Katherine Polk Failla, Courtroom 618, 40 Foley Square, Centre Street, New York, New York 10007.

1. In support of this motion, and as may be required by Federal Rule of Civil Procedure 54(d)(2)(B), Plaintiffs state that Class Counsel are entitled to the award of attorneys’ fees and reimbursement of expenses in the amounts represented herein as a result of having created a substantial monetary fund for the benefit of the Class.

2. In further support of this motion, Plaintiffs rely upon: (a) the record herein; (b) the Stipulation of Settlement and Exhibits thereto; (c) the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Approval of Attorneys’ Fees, Service Fees, and Reimbursement of Expenses; and (d) the Memorandum of Law in Support of Plaintiffs’ Motion for Final Approval of Class Action Settlement.

3. In addition to the instant Motion for award of attorneys’ fees, expenses, and incentive awards, the Final Approval Motion is also pending. As part of a final resolution of this litigation, Plaintiffs respectfully request that the Court grant the requests made in the instant Motion and in the Final Approval Motion.

WHEREFORE, for the reasons stated in the instant Motion and accompanying Memorandum of Law in Support, and in the Memorandum of Law in Support of The Motion for Final Approval of Class Action Settlement, Plaintiffs respectfully request that the Court enter their [Proposed] Order and Final Judgment attached as “Exhibit G” to the Joint Declaration of Benedict P. Morelli and Laurence D. King, concurrently filed herewith..

Respectfully submitted this 8th day of April, 2015.

/s/ Benedict P. Morelli

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*Attorneys for Plaintiffs David Wolf & Miguel
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CERTIFICATE OF SERVICE

I hereby certify, under the pains and penalties of perjury, that on April 8, 2015, I electronically filed a true copy of the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the docket and the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing. I am an attorney admitted to practice before this Court.

By: /s/ David S. Ratner
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